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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,551	09/19/2005	Adrian Barclay Caroen	URQU.P-019	3821

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EXAMINER	
BRAHAN, THOMAS J	
ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
07/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/549,551	CAROEN ET AL.	
	Examiner	Art Unit	
	Thomas J. Brahan	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10-13,19 and 24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,10-13,19 and 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

2. Claims 3 and 4 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 3, the terms "said web", "said reel housing", "the fixing component" and "said installation" lack antecedent basis within the claims.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

4. Claims 3-8, 13 and 24, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gray in view of Tremblay or Tremblay in view of Gray. Gray shows the basic claimed containment device for a seat having multiple spaced sides, the containment device comprising:

a fixing point (tongue 44) mounted on or adjacent one of the two spaced sides (on the front side of the seat);

a reel carrier (the abdomen shield 32);

a reel (spool 60) rotatably mounted in the reel carrier (32);

a length of belt (26) wound onto, and fixed at one end to, the reel (60) and having an opposite free end, wherein the opposite free end is fixed on or adjacent to the other of said spaced sides (the back side of the seat), and wherein said reel carrier is displaceable between the spaced sides (the carrier is at the top and back of the seat when the belts are fully wound on their spools and the carrier moves forward to the front side of the seat as the belts are unwound) and is engageable with the fixing point (44).

Gray varies from the claims by not being used on a stairlift chair. Figure 6 of Tremblay shows a chair for a stair lift which is combined with a containment belt. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to use the child restraint of Gray in other known uses for restraining devices, such as on a seat of a stair lift, as taught by Tremblay. Alternatively, It would have been obvious to one of

ordinary skill in the art at the time the invention was made by applicant to modify the chairlift/seat belt combination of Tremblay by substituting a restraint system similar to Gray, as to have the lift safe for use by a child. The containment device of Gray has locking means (actuator assembly 82) operable to lock the position of the belt by the act of engaging the reel carrier to the fixing point (44), as claims 3 and 4 are best understood. The containment device of Gray includes retraction means (retractor assembly 50) to retract the belt into the reel carrier, as recited in claim 5. When considering claim 6, just the retraction assembly (50) is considered as the reel carrier, as to have the reel carrier sized to fit in the hand of the user (the adult which straps in the child). The point at which the belt enters and exits the reel carrier is surrounded by a support member, which has a degree of flexibility which is less than the flexibility of said belt, as recited in claims 7 and 8. The containment device of Gray includes a further belt (28) configured to, in use, pass over a shoulder of a user, the further belt being connected to the reel carrier (32), as recited in claim 13.

5. Claims 5, 6, 10-12 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Nicholas. Figure 6 of Tremblay shows the basic claimed combination of a stairlift chair including two spaced sides and a containment device (122), the containment device comprising a pair of fixing points mounted the spaced sides of the chair and a length of seat belt. Tremblay varies from claim 24 by not having a reel for retracting the seat belt. Nicholas '557 shows a seat belt with a retractor (40). The retractor may travel with the belt, as to be displaceable, or it may be permanently secured, see the last three lines of column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the seat belt of Tremblay by providing it with a retracting reel, as to have it retractable for adjustable and for non-use storage as taught by Nicholas. The containment belt of Nicholas has a spring retraction means, see column 3, lines 3-5, as recited in claim 5, and has the reel carrier housing sized and shaped to locate comfortably within a user's hand, as recited in claim 6. The stairlift chair of Tremblay includes two spaced armrests, the free end of the belt of Nicholas would be attached at one of the armrests, with reel carrier being removably connectable at the other of the armrests, as recited in claim 10, with the connections closer to the forward edges of the armrests, as recited in claim 11, as to be within the sight of a stairlift user, as recited in claim 12.

6. Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tremblay in view of Stevenson et al. Figure 6 of Tremblay shows a stair lift chair with a seat belt. It varies from the claims by not having a removably connected reel. Stevenson et al shows a cushioned seat belt for use by a child have a reel carrier (10). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to substitute the seat belt of Stevenson et al onto the chair lift of Tremblay as to have it usable by a child, as per the teachings of Stevenson et al.

7. Applicant's remarks in the amendment filed April 23, 2007, include a statement that the "carrier reel in Gray is not displaced and does not become fixed at a fixing point as set forth in the present claims. This statement is

not understood. Reeling and unreeling of the two belts of Gray have the reel carrier (32) displaced upward, downward, forward and backward. This displacement has the carrier moving to and away from the fixing point (44). As the claims fail to define which sides are being discussed, the carrier moves from a side to a side as broadly recited in the claims. Furthermore, the carrier can be displaced from side to side, while being attached over the child, as to also have side displacements include to the left and to the right of the user. Applicant's response fails to address the rejection of claim 19 under 35 U.S.C. § 103(a) based upon Tremblay in view of Stevenson et al. Failure to address all of the rejections in a subsequent Office action may result in the amendment being considered as non-responsive. Applicant's remaining remarks have been fully considered, but are deemed moot in view of the above new rejections. The amendment necessitated the new grounds, accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Mr. Peter Cuomo, can be reached at (571) 272-6856. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/8/07

Thomas J. Brahan
Primary Examiner
Art Unit 3654